

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.524 OF 2006

M.M.Shah Consultants
Ltd. & Anr.

.. Petitioners.

Vs.

Sou.Revati Sanjay
Pandhare & Anr.

.. Respondents.

Mr.G.H.Keluskar for the petitioners.

Mrs.M.M.Deshmukh A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 24TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. This petition is directed against the order dated 5.12.2005 passed by the Sessions Judge, Pune dismissing the revision filed by the petitioner-accused. The petitioner had filed revision against the order of the learned Magistrate issuing process in the complaint filed by the respondent-complainant under section 138 of the Negotiable Instruments Act. I perused the order as also the complaint and other documents placed before me for my consideration. A perusal of all the documents clearly show that the order of "issue

process" was passed on the basis of the averments in the complaint and the documents annexed thereto. All the documents have presumptive value in law. Keeping that in view I find absolutely no reason to interfere with the order passed by the courts below. The defence of the petitioner can be considered and appreciated only during trial after the parties are allowed to lead evidence. In the circumstances this petition is dismissed. The trial Court shall decide the case on merits in accordance with law and uninfluenced by the orders passed by the Sessions Court in the revision and in this writ petition.

(D.B.Bhosale, J.)